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5
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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MICHAEL TERRELL BEALE,
15 Defendant.

Case No. 2:17-cr-050-JAD-CWH

**STIPULATION TO CONTINUE
DEADLINE TO SUBMIT
OBJECTIONS TO REPORT &
RECOMMENDATION**
(Second Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
18 States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Raquel Lazo,
20 Assistant Federal Public Defender, counsel for Michael Terrell Beale, that the deadline to
21 submit objections to the Report and Recommendation currently scheduled for January 19, 2018,
22 be vacated and continued February 9, 2018.

23 This Stipulation is entered into for the following reasons:

24 1. Mr. Beale's objection deadline is January 19, 2018. The parties are attempting
25 to negotiate the case, which would obviate the need for continued pre-trial litigation. The
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1 government has tendered a verbal offer which defense counsel needs additional time to discuss
2 with Mr. Beale. Defense counsel is expected to visit Mr. Beale the week of January 22nd.

3 2. Should Mr. Beale accept the offer, the requested time would then permit the
4 parties to draft and execute a written plea agreement. Should Mr. Beale reject the offer, defense
5 counsel will require additional time to draft her objections.

6 3. The defendant is incarcerated and does not object to the continuance.

7 4. The parties agree to the continuance.

8 5. The additional time requested herein is not sought for purposes of delay, but
9 merely to allow Mr. Beale time to file any necessary objections to the Report &
10 Recommendation, taking into account due diligence.

11 6. Additionally, denial of this request for continuance could result in miscarriage
12 of justice.

13 This is the second request to continue objections filed herein.

14 DATED this 17th day of January, 2018.

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16 RENE L. VALLADARES
Federal Public Defender

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DAYLE ELIESON
United States Attorney

18 */s/ Raquel Lazo*
By _____
19 RAQUEL LAZO
20 Assistant Federal Public Defender

21 */s/ Phillip N. Smith, Jr.*
By _____
22 PHILLIP N. SMITH, JR.
23 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MICHAEL TERRELL BEALE,
Defendant.

Case No. 2:17-cr-050-JAD-CWH

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Mr. Beale's objection deadline is January 19, 2018. The parties are attempting to negotiate the case, which would obviate the need for continued pre-trial litigation. The government has tendered a verbal offer which defense counsel needs additional time to discuss with Mr. Beale. Defense counsel is expected to visit Mr. Beale the week of January 22nd.

2. Should Mr. Beale accept the offer, the requested time would then permit the parties to draft and execute a written plea agreement. Should Mr. Beale reject the offer, defense counsel will require additional time to draft her objections.

3. The defendant is incarcerated and does not object to the continuance.

4. The parties agree to the continuance.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow Mr. Beale time to file any necessary objections to the Report & Recommendation, taking into account due diligence.

6. Additionally, denial of this request for continuance could result in miscarriage of justice.

ORDER

IT IS THEREFORE ORDERED that the deadline to file objections to the Report and Recommendation scheduled for January 19, 2018, be vacated and continued to February 9, 2018.

DATED this 17th day of January, 2018.

UNITED STATES DISTRICT JUDGE